PURSUANT to Section 28 of the Civil Aviation Act 1990

I, Hon CRAIG FOSS, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 12th day of Dec 2016

by Hon Craig Foss

Associate Minister of Transport

Civil Aviation Rules

Part 145, Amendment 14

Aircraft Maintenance Organisations – Certification

Docket 16/CAR/1
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Rule objective
The objective of amendment 14 to Part 145 is to correct aspects of the Safety Management transitional provision in line with original policy intentions.

Extent of consultation
A Notice of Proposed Rulemaking, NPRM 16-01, containing the proposed changes to Part 145 and other rules was issued for public consultation under Docket 16/CAR/1 on 2 June 2016.

The NPRM was published on the CAA website and emailed to subscribers of the automatic alert service provided by the CAA.

A period of 27 days was allowed for comment on the proposed rules.

Summary of submissions
Six written submissions and no oral comments were received on the NPRM. These submissions and comments have been considered and as a result a minor and non-controversial amendment is being made to rule 91.605 and two new definitions are being inserted in Part 1 to clarify the definition of “Instrument runway”.

A summary of submissions for this NPRM is available on the CAA website.

No submissions were received in relation to the proposed amendments to Part 145.

Examination of submissions
Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

Insertion of Amendments
This Part was amended by:

- Rules 145.151 and 145.153 (the Safety Management transition rules) were amended to clarify that the body in paragraph (a) is the applicant for the grant of the certificate; that both applicants and certificate holders have to submit implementation plans for
safety management to the Director; the timing of when plans must be submitted; that certificate holders do not need to submit the implementation plan with their certificate renewal application but may do so separately; to correct an incorrect statutory reference and to remove the wording in paragraph (f) of the existing rule.

Effective date of rule
Amendment 14 to Part 145 comes into force on 10 March 2017.

Availability of rules
Civil Aviation Rules are available from–

CAA web site:  http://www.caa.govt.nz/
Freephone: 0800 GET RULES (0800 438 785)
Part 145 Aircraft Maintenance Organisations - Certification

Replace rule 145.151 with the following rule:

145.151 Transition for maintenance organisation certificate holders and applicants that maintain aircraft performing Part 121 or Part 125 operations or their components

(a) This rule applies to each—

(1) holder of a maintenance organisation certificate that—

(i) maintains any aircraft that performs operations specified in rule 121.1 or rule 125.1:

(ii) maintains any component of an aircraft referred to in subparagraph (a)(1)(i).

(2) applicant for the grant of a maintenance organisation certificate that will—

(i) maintain any aircraft that performs operations specified in rule 121.1 or rule 125.1:

(ii) maintain any component of an aircraft referred to in subparagraph (a)(2)(i).

(b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—

(1) rule 145.51(a)(2)(iii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:

(2) rule 145.65, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 145.155:
(3) rule 145.67(a)(1A)(i):

(4) rule 145.67(a)(3)(ii):

(5) rule 145.67(a)(6A).

(c) A completed CAA form and implementation plan must be submitted to the Director—

(1) after 1 February 2016 for an applicant for the grant of a maintenance organisation certificate under subparagraph (a)(2); and

(2) by 30 July 2016 for a holder of a maintenance organisation certificate under subparagraph (a)(1).

(d) The implementation plan referred to in paragraph (c) must—

(1) include a proposed date for implementation of the system for safety management; and

(2) outline how the organisation plans to implement the system for safety management required under rule 145.65.

(e) The Director will, if acceptable—

(1) approve the organisation’s implementation plan; and

(2) set the date for implementation of the system for safety management.

(f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:

(1) the capability of the organisation:

(2) the complexity of the organisation:

(3) the risks inherent in the activities of the organisation:

(4) the date of any certificate renewal:
(5) any resource or scheduling impacts on the organisation or the Authority or both:

(6) the date for implementation must not be later than 1 February 2018.

(g) A holder of a maintenance organisation certificate under subparagraph (a)(1) does not have to submit an implementation plan with its certificate renewal application.

(h) This rule expires on 1 February 2018.

Replace rule 145.153 with the following rule:

145.153 Transition for maintenance organisation certificate holders and applicants that maintain aircraft not performing Part 121 or Part 125 operations or their components

(a) This rule applies to each—

(1) holder of a maintenance organisation certificate that does not—

(i) maintain any aircraft that performs operations specified in rule 121.1 or rule 125.1:

(ii) maintain any component of an aircraft referred to paragraph (a)(1)(i).

(2) applicant for the grant of a maintenance organisation certificate that will not—

(i) maintain any aircraft that performs operations specified in rule 121.1 or rule 125.1:

(ii) maintain any component of an aircraft referred to in paragraph (a)(2)(i).

(b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—
(1) rule 145.51(a)(2)(iii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:

(2) rule 145.65, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 145.155:

(3) rule 145.67(a)(1A)(i):

(4) rule 145.67(a)(3)(ii):

(5) rule 145.67(a)(6A).

(c) A completed CAA form and implementation plan must be submitted to the Director—

(1) after 1 February 2016 for an applicant for the grant of a maintenance organisation certificate under subparagraph (a)(2); and

(2) by 30 July 2018 for a holder of a maintenance organisation certificate under subparagraph (a)(1).

(d) The implementation plan referred to in paragraph (c) must—

(1) include a proposed date for implementation of the system for safety management; and

(2) outline how the organisation plans to implement the system for safety management required under rule 145.65.

(e) The Director will, if acceptable—

(1) approve the organisation’s implementation plan; and

(2) set the date for implementation of the system for safety management.
(f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:

(1) the capability of the organisation:

(2) the complexity of the organisation:

(3) the risks inherent in the activities of the organisation:

(4) the date of any certificate renewal:

(5) any resource or scheduling impacts on the organisation or the Authority or both:

(6) the date for implementation must not be later than 1 February 2021.

(g) A holder of a maintenance organisation certificate under subparagraph (a)(1) does not have to submit an implementation plan with its certificate renewal application.

(h) This rule expires on 1 February 2021.